

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RITA CUMMINGS,

Plaintiff,

v.

No. 07-752-MJR

POLICE OFFICER MATT WITT, POLICE  
OFFICER TODD WAGNER, POLICE  
OFFICER JOHN LAWSON, POLICE CHIEF  
BRAD BLACKORBY, CITY OF  
JERSEYVILLE, ILLINOIS, UNNAMED  
ILLINOIS STATE POLICE OFFICER (JOHN  
DOE), DIRECTOR LARRY TRENT AND  
THE STATE OF ILLINOIS,

Defendants.

**THIRD AMENDED JOINT REPORT OF PARTIES and  
PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Fed.R.Civ.P. 26(f) and SDIL-LR 16.2(a), an initial conference of the parties was held with Mark R. Niemeyer, Attorney for Plaintiff; Charles A. Pierce, Attorney for Defendants, Matt Witt, Todd Wagner, John Lawson, Brad Blackorby, and City of Jerseyville; and Karen McNaught, Attorney for Defendants, Jeffrey Bridges, Larry Trent and the State of Illinois, participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Initial interrogatories and requests to produce, pursuant to Fed.R.Civ.P. 33 and 34, shall be served on opposing parties by June 1, 2008.
2. Plaintiff's deposition shall be taken by July 1, 2008.
3. Defendants' depositions shall be taken by August 15, 2008.
4. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Fed.R.Civ.P. 26(a)(2) as follows:

Plaintiff's expert(s): October 1, 2008

Defendant's expert(s): December 20, 2009

5. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): November 20, 2008

Defendant's expert(s): February 6, 2009

6. Discovery shall be completed by February 6, 2009 (which date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

7. All dispositive motions shall be filed by February 20, 2009 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

8. The Scheduling and Discovery Conference may, at the discretion of the Magistrate Judge, be cancelled if the Magistrate Judge approves of the parties' proposed Scheduling and Discovery Order as submitted.

DATED: March , 2008

s/MARK R. NIEMEYER (by consent)  
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/sCHARLES A. PIERCE  
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E: cpierce@hinshawlaw.com

/KAREN L. McNAUGHT (by consent)  
Office of the Attorney General  
500 South Second Street  
Springfield, IL 62706  
Phone: (217) 782-1090  
E: kmcnaught@atg.state.il.us

## Chuck Pierce

---

**From:** Chuck Pierce [cpierce@PierceLawpc.com]  
**Sent:** Tuesday, August 05, 2008 4:45 PM  
**To:** 'Mark Niemeyer'  
**Subject:** FW: Holyfield- Scheduling Order



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(53 KB)

Mark:

Please confirm.

Chuck Pierce  
Pierce Law Firm, P.C.  
# 3 Executive Woods Ct, Suite 200  
Belleville IL 62226  
618.277.5599  
618.239.6080 Fax

-----Original Message-----

From: Chuck Pierce [mailto:cpierce@PierceLawpc.com]  
Sent: Wednesday, July 30, 2008 3:48 PM  
To: 'Mark Niemeyer'  
Subject: FW: Holyfield- Scheduling Order

Mark:

Per our discussion, please confirm that this is the order we're working with.

Chuck Pierce  
Pierce Law Firm, P.C.  
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From: Chuck Pierce [mailto:cpierce@PierceLawpc.com]  
Sent: Monday, July 07, 2008 4:30 PM  
To: 'McNaught, Karen L.'; 'Mark Niemeyer'  
Subject: FW: Holyfield- Scheduling Order

I had earlier circulated this amended scheduling order after Reagan moved the trial date. I believe this is what all parties agreed to. I would like confirmation, by email, from each of you that this schedule is the one we've all agreed to.

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# 3 Executive Woods Ct, Suite 200  
Belleville IL 62226  
618.277.5599  
618.239.6080 Fax

-----Original Message-----

From: Charles A. Pierce [mailto:cpierce@hinshawlaw.com]  
Sent: Tuesday, March 25, 2008 5:02 PM  
To: niemeyer@onderlaw.com; KMcNaught@atg.state.il.us  
Subject: Holyfield- Scheduling Order

I've put together yet another schedule, using the cut-off dates in Proud's order. I would ask that each of you review it and provide me with your thoughts/consent.

Per his order, we don't need to file this. We just have to have something agree-to in writing that the court can enforce if needed.

Chuck Pierce

521 West Main Street, Suite 300, Belleville, IL 62220  
Tel: 618.277.2400, ext 7613 | Fax: 618.277.1144  
E-mail: cpierce@hinshawlaw.com

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## Chuck Pierce

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**From:** Mark Niemeyer [niemeyer@onderlaw.com]  
**Sent:** Wednesday, August 06, 2008 1:15 PM  
**To:** 'Chuck Pierce'  
**Subject:** RE: Holyfield- Scheduling Order

Chuck,

Yes, because Judge Proud wanted us to base dates upon the first day of the trial month, instead of the specific trial date, the discovery completion and dispositive motion dates are accurate and this is the scheduling order we are working from.

However, as we have discussed, we will both exercise flexibility. At this point, I would anticipate the possibility of some difficulty with plaintiff's expert disclosure/reports by October 1 given that we will have to take numerous depositions in September should we be unable to come to a resolution this month.

Take care.

Mark

Mark R. Niemeyer  
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Please confirm.

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